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Chapter 7 Trustee
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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re BENJA INCORPORATED, *aka* EPHE
13 CORPORATION,

14 Debtor.

Case No. 20-30819-DM
Chapter 7
Hon. Dennis Montali

15 **DECLARATION OF RYAN A.**
16 **WITTHANS IN SUPPORT OF**
17 **REQUEST FOR ENTRY OF DEFAULT**
18 **ORDER GRANTING CHAPTER 7**
TRUSTEE'S MOTION TO APPROVE
COMPROMISE OF CONTROVERSY
WITH DANIEL IAN WEINER

19 I, Ryan A. Witthans, declare as follows:

20 1. I am a partner at Finestone Hayes LLP, counsel of record for A. Kyle Everett (the
21 "Trustee") in his capacity as the duly appointed Chapter 7 trustee of the bankruptcy estate of the
22 above-captioned debtor ("Benja").

23 2. I make this declaration in support of the concurrently filed request for entry of
24 default order. All statements in this declaration are based on my own personal knowledge and
25 observation, or upon information and belief based upon my review of the court and business
26 records in this case. If called to testify on this matter, I could and would competently testify to
27 the matters set forth herein.
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WITTHANS DECLARATION

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3. On May 30, 2023, the Trustee caused to be filed the *Chapter 7 Trustee’s Motion to Approve Compromise of Controversy with Daniel Ian Weiner* (the “Motion”), ECF 157; the Trustee’s supporting declaration including a copy of the *Settlement Agreement and Mutual Release*, ECF 157-1–2; and the *Notice and Opportunity for Hearing* (the “Notice”), ECF 158. I am informed and believe that the Notice was served on all NEF parties and individuals and entities on the Court’s mailing matrix on May 30, 2023. ECF 159–60.

4. The Notice indicated that anyone wishing to object to the proposed sale was required to do so by filing and serving a written objection no later than 21 days from the date on which the Notice was served. The last day for filing and serving objections was June 20, 2023. I received no objections, and none were filed in the bankruptcy case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2023.

/s/ Ryan A. Witthans
Ryan A. Witthans

WITTHANS DECLARATION